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MICHIGAN HOUSE OF REPRESENTATIVES

SHANE HERNANDEZ
STATE REPRESENTATIVE

April 25, 2017

The Honorable Triston Cole
Chairman, Transportation and Infrastructure Committee
1389 Anderson House Office Building
Lansing, MI 48909

Testimony in support of HB 4160

Mr. Chairman and members of the House Transportation committee, thank you very much for the opportunity to submit testimony on behalf of HB 4160. I apologize for not being able to attend this hearing, but right now my presence is required in the Appropriations committee as we are voting on budgets today.

The purpose of HB 4160 is to correct what I believe is an oversight in current Michigan law.

For years, many charitable, civic, and even local governmental organizations have conducted various fundraising drives at intersections in and around Michigan roads. Over the years, this practice has given local residents an easy way to show their appreciation for the hard work that these groups do, and to directly contribute to the public good by giving a small donation.

As you will hear today from representatives from a few of the organizations who have engaged in this practice, those small donations can add up to very large sums of money which have a huge impact on local communities and for the state as a whole.

Recently it has come to light that this longtime practice of soliciting funds has always been done in violation of Michigan Law. Last year State Senator Phil Pavlov asked for an attorney general opinion clarifying the rights of charities to do this. In the opinion, Attorney General Bill Schuette explains that because there is no specific language allowing this longtime practice, he was forced to determine that it was illegal.

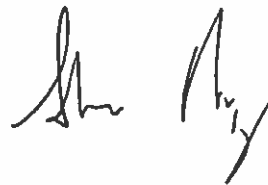
I certainly understand the awkward position this puts local elected officials and charitable organizations in. Any local municipality who “looks the other way” and allows these longtime practices to continue is in direct violation of state law and could potentially be opening themselves up to litigation.

HB 4160 directly addresses this fear and ensures that local municipalities can not be held liable for any claim arising from charitable solicitations.

In addition, HB 4160 would create reasonable requirements for charitable organizations to follow if they wished to continue to solicit funds in their traditional ways. There are primarily two reasons for these requirements. First, I’m sure we all can agree that we want these activities to be done in a safe manner, and second we would like to ensure that organizations who are conducting these fundraising programs have the experience and professionalism required to do so in a way that is unobtrusive and following good “common sense”.

I believe that this legislation strikes the appropriate balance between each of these concerns along with the desire to allow these important activities to continue.

Randy Wood from my office will be happy to answer any questions you may have as well as the experts we have invited to attend this meeting today.

A handwritten signature in black ink, appearing to read 'Shane Hernandez', with a stylized, cursive script.

Shane Hernandez
State Representative, 83rd District